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EXAMINER

FISCHMANN, BRYAN R

ART UNIT	PAPER NUMBER
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3618

DATE MAILED: 01/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/077,973

Applicant(s)

TOMASI ET AL.

Examiner

Bryan Fischmann

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 December 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 and 28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-5 and 12 is/are allowed.
- 6) ☒ Claim(s) 11, 13-25 and 28 is/are rejected.
- 7) ☒ Claim(s) 6-10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Acknowledgments

1. The Substitute Specification (paper 10) and the Amendment (paper 11) filed 12-03-2003 have been entered.

Claim Objections

2. Claims 6-10, 13, 15, 20 and 28 are objected to because of the following:

Note: The claims are considered to be replete with objectionable matter.

Therefore, a comprehensive listing of all objectionable matter cannot be guaranteed.

Applicant is advised to review all claims for objectionable matter.

A) Claim 6 recites "the said lifting handle". The use of both the words "the" and "said" preceding the word "handle" is considered redundant.

See also similar recitations utilizing the words "the" followed by the word "said" in claims 7, 11 and 28.

B) It is believed that to be grammatically correct, that the recitation of "an manual actuation member" should instead be "a manual actuation member" in line 2 of claim 8.

Regarding the objection to claims 9 and 10, note that claims 9 and 10 are dependant upon claim 6.

C) Claim 13 recites "said supporting member". Note that this claim is dependant upon claim 4, which recites "support member".

Due to this, it is believed that the above claim 13 recitation should instead be "said support member".

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D) On the penultimate line of claim 15, it is believed that wording would be improved if the word "the" were inserted before the words "folding frame".

Also note that the term "folding frame" would now lack antecedent basis if the word "the" is added before the words "folding frame". Perhaps another term is intended.

E) On the third line of claim 20, the recitation of "being formed said tooth designed to" is considered awkward and somewhat unclear.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 11, 13-25 and 28 are rejected under 35 U.S.C. 112, second paragraph, as failing to set forth the subject matter which applicants regard as their invention.

Note: The claims are considered to be replete with unclear matter. Therefore, a comprehensive listing of all unclear matter cannot be guaranteed. Applicant is advised to review all claims for unclear matter.

A) Claim 11 recites "the...motion transmission means". Claim 11 is dependant upon claim 1. Claim 1 recites "...a pair of motion transmission means".

Due to this, it is considered unclear whether the claim 11 recitation above is referring to only one, or both motion transmission means.

See also a similar recitation in claims 13, 14, 17, 22, 24 and 28.

Regarding the rejection of claims 16, 18, 19 and 23, note that claim 16 is dependant upon claim 14 and claims 18 and 19 are dependant upon claim 17.

B) Claim 13 recites the limitation "said handle grip". There is insufficient antecedent basis for this limitation in the claim.

C) Claim 15 recites the limitation "said cursor member". There is insufficient antecedent basis for this limitation in the claim.

D) Claim 20 recites the limitation "said frame handle". There is insufficient antecedent basis for this limitation in the claim.

E) Claim 20 recites the limitation "said tooth". There is insufficient antecedent basis for this limitation in the claim.

F) Claim 20 recites the limitation "said support block". There is insufficient antecedent basis for this limitation in the claim.

Regarding the rejection of claim 21, note that claim 21 is dependant upon claim 20.

G) Claim 25 recites the limitation "said strut component". There is insufficient antecedent basis for this limitation in the claim.

Allowable Subject Matter

5. Claims 1-5 and 12 are allowed.
6. Claims 6-10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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7. Claims 11, 13-25 and 28 would be allowable if rewritten to overcome the rejections under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Examiner's Comments

8. The Substitute Specification (paper 10) and the Amendment (paper 11) resolved all objections and 112 rejections set forth in the last Office Action.

9. Upon further review, the Examiner noticed that numerous minor objections and 112 2nd paragraph rejections were still present in the claims, as newly set forth in this Office Action (paper 12). Accordingly, this action is made non-final. The Examiner regrets that these objections and 112 2nd paragraph rejections were previously overlooked.

Conclusion

10. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Bryan Fischmann whose telephone number is (703) 306-5955. The examiner can normally be reached on Monday through Friday from 7:30 to 4:00.

If attempts to reach the Examiner by telephone are unsuccessful, the examiner's supervisor, Brian Johnson, can be reached on (703) 308-0885. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.


BRYAN FISCHMANN
PATENT EXAMINER